

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeene G. Kelly.

Transmission Congestion on the
Delmarva Peninsula

Docket No. PA03-12-001

ORDER TERMINATING PROCEEDING

(Issued April 15, 2005)

1. In a May 12, 2003 Order, the Commission established a fact-finding proceeding facilitated by an administrative law judge (ALJ) concerning transmission congestion on the portion of the power grid on the Delmarva Peninsula operated by PJM Interconnection, L.L.C.¹ The Commission identified specific issues for the ALJ to explore in a non-adversarial setting and, in keeping with this informality, the Commission indicated that it did not anticipate the need for cross-examination of witnesses and noted that “the judge need not create an exhaustive record. . . .”²

2. In an August 12, 2003 report, the presiding ALJ provided a detailed description of the positions of various participants in the proceedings, but did not include proposed findings of fact or recommendations.³ In a September 9, 2003 Order, the Commission directed the ALJ to make proposed findings of fact and recommendations based on the record already developed.⁴

3. The Virginia State Corporation Commission requested rehearing of the *September 9 Order*, arguing that, due to the nature of the proceeding, the record is insufficient to support definitive findings of fact. Similarly, Easton Utilities and Town of Berlin,

¹ *Transmission Congestion on the Delmarva Peninsula*, 103 FERC ¶ 61,163 (2003).

² *Id.*, 103 FERC ¶ 61,163 at P 5, n.3.

³ *Transmission Congestion on the Delmarva Peninsula*, 104 FERC ¶ 63,036 (2003).

⁴ *Transmission Congestion on the Delmarva Peninsula*, 104 FERC ¶ 61,241 (2003) (*September 9 Order*).

Maryland, jointly requested that the Commission clarify that, due to the informal nature of the proceeding, the ALJ's findings of facts will not be binding on the parties and will be used by the Commission solely for the purpose of determining whether to convene a formal evidentiary proceeding.

4. On October 10, 2003, the ALJ submitted her proposed findings of fact and recommendations.⁵ In a presentation at the December 17, 2003 Commission meeting, Commission Staff discussed the ALJ's proposed findings of fact and recommendations. Subsequently, a number of issues raised in this proceeding have been addressed in separate dockets.⁶

5. The Commission will not take any further action in this proceeding. Accordingly, the request for rehearing and motion for clarification are now moot and the Commission will terminate the proceeding.

The Commission orders:

The proceeding is hereby terminated.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.

⁵ *Transmission Congestion on the Delmarva Peninsula*, 105 FERC ¶ 63,004 (2003).

⁶ *See, e.g., PJM Interconnection, L.L.C.*, 108 FERC ¶ 61,196 (2004) (PJM post-contingency dispatch); *PJM Interconnection, L.L.C.*, 107 FERC ¶ 61,053 (2004), *order on reh'g*, 110 FERC ¶ 61,053 (2005) (PJM proposal to establish a competitive auction to address long-term scarcity); *PJM Interconnection, L.L.C.*, 103 FERC ¶ 61,167 (2003) (PJM load response program).